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EXAMINER	
DAFTUAR, SAKET K	
ART UNIT	PAPER NUMBER
2151	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/713,481	SAHA, PARTHA	
	Examiner	Art Unit	
	SAKET K. DAFTUAR	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5-8,10,12 and 14-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3,5-8, 10, 12, 14-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 11th, 2008 has been entered. Claims 1, 3,5-8, 10, 12, and 14-17 are presented for the further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3,5-8, 10, 12, 14-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 3, and 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 3, and 5-8 recites a sub-manager for interfacing between SNMP management system and SNMP managed clients. Page 7 of specification discloses that applicant intended to use block executing code , machine

readable code such as "software" only. Therefore, the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 3, 5-8, 10, 12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al U.S. Patent Number 7,111,053 (hereinafter Black) and Champlin et al US Patent Number 6,519,635 (hereinafter Champlin) and further in view of McHann Jr. U.S. Patent Number 5,991,806 (hereinafter McHann) and Barry et al US Patent Number 7,225,249 B1 (hereinafter Barry).

As per claim 1, Black discloses a network management agent for i) receiving a master SNMP network management (see column 9, lines 28-58 and column 27, line 42 – column 28, line 25; network management system administrator) request message from the SNMP network management system (column 11, line 65 – column 12, line 12); and ij) providing a master SNMP response message to the SNMP network management system (column 11, line 65 – column 12, line 12, column 27, line 42 – column 28, line 25);the master SNMP network management request message includes a plurality of variable values, each variable value being identified (see column 21, line 54 -column 22, line 10) by a master object identifier selected from a master information base (see figure 2a, column 9, line 28- column 11,line 34, column 11, line 65 – column 12, line 12), each master object identifier comprising :a connections module, for

each of the plurality of SNMP managed clients: establishing an internet protocol connection with such SNMP managed client (see column 21, lines 26-42); and both: i) providing, to each of the plurality of SNP managed clients, a client network management request message (column 11, line 65 – column 12, line 12, column 27, line 42 – column 28, line 25) ; and ii) receiving, from each of the plurality of SNMP managed clients, a client response message, in each case, through the internet protocol connection (column 11, line 65 – column 12, line 12, column 27, line 42 – column 28, line 25).

However, Black silent about identifying each client in management information base.

Champlin teaches a client identifier that identifies a particular one of the plurality of SNMP managed clients which has a client management information base that includes a requested variable value (see Abstract, column 2, line 58 – column 3, line 14, column 4, lines 49-64); and a variable identification portion, the variable identification portion being a client object identifier that identifies the variable value within the client management information base (see Abstract, column 2, line 58 – column 3, line 14, column 4, lines 49-64);receiving the master SNMP network management request message for each master object identifier included in the master SNMP network management request message, generating the client network management request message, the client network management request message including the client object identifier that identifies the variable value within the client management information base (see Abstract,

column 2, line 58 – column 3, line 14, column 4, lines 49-64); generating the master SNMP response message from each received client response message (translating the identification data for an SNMP sub-agent, see column 3, lines 45-55); wherein each client response message including the client object identifier and the variable value from the client management information base (see column 4, line 43 – column 6, line 5); and wherein the master SNMP response message includes each of the master object identifier and each of the master object identifier is associated with the variable value received in the client response message. (see column 2, line 58 – column 3, line 14, see column 4, line 43 – column 6, line 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Black, Champlin, McHann and Barry because they are all from the same field endeavor to provides a method which includes translating information data for an SNMP sub-agent and an SNMP command, from the first format to second format and further allows translating the identification data for an SNMP sub-agent and an SNMP command and also provides an integrated customer interface and web-based delivery system for delivering to customers a number of products and services available from remote servers that facilitates and simplifies customer access to, and management of, all of their network assets and network management products and services.

As per claim 3, Black discloses each internet protocol connection TCP/IP connection that is established with a SNMP managed client (column 11, line 65 – column 12, line 12, column 27, line 42 – column 28, line 25); the connections module further records, in an active connections table, for each internet protocol connection, a client connection identifier in association with the client identifier identifying the SNMP managed client that initiated the internet protocol connection (column 11, line 65 – column 12, line 12, column 27, line 42 – column 28, line 25); and the client network management request message to the particular one of the SNMP managed clients by providing the client network management request over the internet protocol connection that associates with the particular one of the SNMP managed clients in the active connections table (column 11, line 65 – column 12, line 12, column 27, line 42 – column 28, line 25).

However Black is silent about the firewall serving such SNMP managed client in response to receiving a connection request initiating by such SNMP managed client and a device state machine provides.

Barry teaches each connection is a TCP/IP connection that is established with a client, through the firewall [see column 10, lines 15-19 and 58-63] serving such SNMP managed client in response to receiving a connection request initiating by such SNMP managed client.

McHann teaches a device state machine provides [column 11, lines 2-39, and device state].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Black, Champlin, McHann and Barry because they are all from the same field endeavor to provides a method which includes translating information data for an SNMP sub-agent and an SNMP command, from the first format to second format and further allows translating the identification data for an SNMP sub-agent and an SNMP command and also provides an integrated customer interface and web-based delivery system for delivering to customers a number of products and services available from remote servers that facilitates and simplifies customer access to, and management of, all of their network assets and network management products and services.

As per claims 5-8, Champlin discloses a client is SNMP managed client (See Abstract).

As per claim 5, In addition to Champlin, McHann discloses periodically receiving a heart beat message from the client over the internet protocol connection [specific power event signal, column 10, lines 34 – column 11, line, 60]; each heart beat message including the client identifier and a time interval between the heart beat message and a subsequent heart beat message [column 8, lines 1-9, column 10, lines 34 – column 11, line, 60];updating the client connection identifier in the active connection table if the source IP address or the source port number obtained from the heart beat message differs from that of a previous heart beat message [column 8, lines 1-9, column 10, lines 34 – column

11, line, 60];providing a heart beat acknowledgement message to the SNMP managed client over the Internet protocol connection [column 8, lines 1-9, column 10, lines 34 – column 11, line, 60]; and determining that the internet protocol connection is inactive if a time period in excess of the time interval elapses during which a subsequent heart beat has not been received [column 8, lines 1-9, column 10, lines 34 – column 11, line, 60].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Black, Champlin, McHann and Barry because they are all from the same field endeavor to provides a method which includes translating information data for an SNMP sub-agent and an SNMP command, from the first format to second format and further allows translating the identification data for an SNMP sub-agent and an SNMP command and also provides an integrated customer interface and web-based delivery system for delivering to customers a number of products and services available from remote servers that facilitates and simplifies customer access to, and management of, all of their network assets and network management products and services.

As per claim 6, McHann discloses the master response message includes an indication that the a value does not exist if the value is associated with a master object identifier that includes a client identifier associated with an client with which the internet protocol connection is inactive (see column 2, line 16 – column 3, line 14, column 4, lines 49-64).

As per claim 7, McHann discloses the master network management request message comprises at least two master object identifiers, each master object identifier comprising a client identifier that is unique from the client identifier of at least one other master object identifier (see column 2, line 16 – column 3, line 14, column 4, lines 49-64).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Black, Champlin, McHann and Barry because they are all from the same field endeavor to provides a method which includes translating information data for an SNMP sub-agent and an SNMP command, from the first format to second format and further allows translating the identification data for an SNMP sub-agent and an SNMP command and also provides an integrated customer interface and web-based delivery system for delivering to customers a number of products and services available from remote servers that facilitates and simplifies customer access to, and management of, all of their network assets and network management products and services.

As per claim 8, McHann discloses receiving an asynchronous client Trap message initiated by client over the internet protocol connection established with client, the asynchronous client Trap message including a client object identifier and a variable value associated with the client object identifier [column 8, line 27 – column 9, line 6]; identifying the client that initiated the asynchronous client Trap message [column 8, line 27 – column 9, line 6]; and generating an

asynchronous master Trap message and providing the asynchronous master Trap message to the network management system , the asynchronous master Trap message including the value and a master object identifier , the master object identifier including a client identifier identifying the client that initiated the asynchronous client Trap message and a variable portion identifying the variable value [column 8, line 27 – column 9, line 6].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Black, Champlin, McHann and Barry because they are all from the same field endeavor to provides a method which includes translating information data for an SNMP sub-agent and an SNMP command, from the first format to second format and further allows translating the identification data for an SNMP sub-agent and an SNMP command and also provides an integrated customer interface and web-based delivery system for delivering to customers a number of products and services available from remote servers that facilitates and simplifies customer access to, and management of, all of their network assets and network management products and services.

As per claims 10, 12, and 14-17, claims 10, 12, 14-17 are method claim of claims 1, 3, and 5-8,. They do not teach or further define over the limitation as recited in claims 1, 3, and 5-8, respectively. Therefore, claims 10, 12, and 14-17 are rejected under same scope as discussed in claims 1, 3, and 5-8, supra.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

a. Automated Trap Control For a Distributed Network Management System by Spencer U.S. Patent Number 6,253,243 B1.

b. Network Management System by Henderson et al. U.S. Patent Number 6,058,103.

c. Automated Trap Control For a Distributed Network Management System by Spencer U.S. Patent Number 6,253,243 B1.

d. Network Station and Network Management System by Ushijima et al. U.S. Patent Number 5,594,426.

e. Network Management System for Communication Networks by Azarmi et al. U.S. Patent Number 5,905,715.

f. Hierarchical Network Management System by Fujino et al. U.S. Patent Number 5,651,006.

g. Integrated Systems for Providing Communications Network Management Services and Interactive Generating Invoice Documents by Barry et al. U.S. Patent Number 7,225,249 B1.

8. A shortened statutory period for reply to this non-final action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. D./
Examiner, Art Unit 2151

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151